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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,779	01/06/2006	Emil Patrascu	62258A	1481
109 7590 10/30/2008 The Dow Chemical Company Intellectual Property Section P.O. Box 1967 Midland, MI 48641-1967				
EXAMINER				
GALE, KELLETTE				
ART UNIT		PAPER NUMBER		
1621				
MAIL DATE		DELIVERY MODE		
10/30/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/541,779

**Applicant(s)**

PATRASCU ET AL.

**Examiner**

KELLETTE GALE

**Art Unit**

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

Claims 1-22 are pending in this application.

Claims 1-22 are rejected.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rainer et al (DE 19961521).

Applicant claims a process for recovering a solid adduct of a bis(4-hydroxyaryl)alkane and a phenolic compound from a suspension comprising the adduct, wherein the process comprises the steps of:

- a) supplying the suspension to a rotary filter

b) filtering the supplied suspension in the rotary filter to retain adduct as an adduct cake.

c) pre-drying the adduct cake with an inert gas

d) washing the pre-dried adduct cake

e) with or without drying of the washed adduct cake, and

f) discharging the washed adduct cake from the rotary filter.

**Determination of the scope and content of the prior art**

**(MPEP §2141.01)**

Rainer et al teach a process wherein adducts of bis(4-hydroxyaryl)alkanes with hydroxyarenes are separated and purified by continuous filtration in a rotating vacuum drum filter. The drum filter contains filter cells including a suction zone, a washing zone, a dry suction zone, and aeration zone, and optionally a filter cake withdrawal zone and a cloth filter washing zone (Please see ACS on STN printout of abstract).

**Ascertainment of the difference between the prior art and the claims**

**(MPEP §2141.02)**

The difference between the prior art and the claims is that Rainer et al fail to teach a step of pre-drying the adduct cake with an inert gas.

**Finding of prima facie obviousness**

**Rational and Motivation (MPEP §2142-2143)**

Since there are inert gases in the atmosphere and before the adduct is put into the filter it is in the atmosphere drying via inert gases, it would be obvious for one having ordinary skill in the art to pre-dry the adduct cake before putting it into the filter.

Also, applicant's invention only requires drying to be done once and Rainer et al's invention does dry the adduct cake at least once, therefore one having ordinary skill in the art would be motivated to dry the adduct cake before washing as it is done so in Rainer et al's disclosure. Please also note that Rainer et al purifies continuously therefore; there is actually drying taking place before washing as the steps are done more than once.

### ***Arguments***

Applicant agrees with the Examiner that the difference between the art and the claims would be the pre-drying step. Applicants state that they have found that pre-drying leads to a higher purity and lighter color of the bisphenol A. Applicants have argued against the Examiner's findings and say that there is no drying going on in the prior art. However, applicant's admit that the prior art discloses passing nitrogen through the washed filter cake.

### ***Response to Arguments***

Applicant's arguments filed July 18, 2008 have been fully considered but they are not persuasive. As mentioned above, applicant has admitted to the fact that the prior art discloses passing nitrogen through the washed filter cake. This is enough information for the Examiner to contend that this is a drying step even still after knowing that it is not before the washing step. The Examiner contends that the language used in the claims,

"comprising", allows for the steps to be done in any order. If the applicant feels that there are unexpected results in the exact order as listed in the claims, the Examiner puts the burden on the applicants to file a side by side comparison of the two different processes showing unexpected results that their process is more efficient.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KELLETTE GALE** whose telephone number is (571)272-8038. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **DANIEL SULLIVAN** can be reached on 571-272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Kellette Gale  
Patent Examiner  
Technology Center 1600

**October 23, 2008**

/Jafar Parsa/  
Primary Examiner, Art Unit 1621